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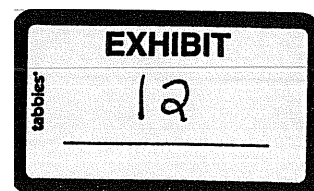
FW: MDL 875 CVLO cases: Site Workers by Job Site for IL & WI Jobsites & Site Worker Witness Past Testimony by Job Site for IL & WI Jobsites
Kristen P. Stambaugh

Sent: Tuesday, June 12, 2012 3:55 PM
To: Case Memo; Ron Archer [rarcher.cvlo@gmail.com]
Cc: Jane A. Venanzi; Edward Huang
Attachments: Supplemental Response to S~1.pdf (93 KB) [Open as Web Page]; MDL Site Workers.pdf (2 MB) [Open as Web Page]; MDL Site Testimony (2).pdf (506 KB) [Open as Web Page]

FYI - this is what was sent out to all defense counsel disclosing all site workers and past testimony. I am updating the two templates now to accurately incorporate these documents. Make sure to use these new changes or these docs are not incorporated! From here on out the coworker exhibit will **ONLY** include known coworkers but **MUST** include all known coworkers you plan on using (for a known declaration, for a possible declaration, anything) and there will be language saying that a past testimony exhibit will only be included if additional past testimony (beyond what is provided by these lists) needs to be added. Generally, there will be no need to include an additional past testimony exhibit unless you have a specific past deposition you want included. Thanks.

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Cc: Bob G. McCoy; Allen D. Vaughan

Subject: MDL 875 CVLO cases: Site Workers by Job Site for IL & WI Jobsites & Site Worker Witness Past Testimony by Job Site for IL & WI Jobsites

Dear Counsel,


CVLO provides the attached lists of 1) Site Workers by Job Site for IL & WI Jobsites and 2) Site Worker Witness Past Testimony by Job Site for IL & WI Jobsites as responses to standard interrogatory nos. 16-18 and 20 that ask for persons "including the persons who worked with

you or at the same job site, and their current or last known addresses" as the injured person, and to standard interrogatory no. 29 which asks about "the existence of any statements" relating to the injured person's claims. These lists provide CVLO's attorney knowledge of such answers. In most of the CVLO cases, prior responses listed coworkers that were known by the client or injured person. Through case research on various motions, CVLO has recently located case law under FRCP 26 which suggests knowledge possessed only by counsel on certain discovery requests should be disclosed. Schneck v. IBM, 1993 U.S. Dist. LEXIS 21576, 1993 WL 765638 (D.N.J. July 26, 1993). CVLO also did not have an accurate database of siteworker and testimony by job site until recently. The information in the database has been reviewed and corrected during ongoing investigation of the MDL cases. Plaintiff's attorneys now believe the information on the site workers and past testimony relating to job sites, although not completely accurate, is now reliable enough to warrant disclosure under the case law. These lists are made by CVLO and not by clients. As such they are signed by CVLO as counsel. CVLO plans to supplement these lists about every two weeks pursuant to FRCP 26(e) with any new information or to correct any incorrect information. The siteworkers can be cross referenced with jobsites already disclosed for each MDL client. The standard interrogatories for each client will still list certain known coworkers as opposed to siteworkers.

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